



Reprinted
April 12, 2001

ENGROSSED SENATE BILL No. 63

DIGEST OF SB 63 (Updated April 11, 2001 6:27 PM - DI 84)

Citations Affected: IC 35-42; noncode.

Synopsis: Interference with medical services. Provides that a person who knowingly or intentionally physically interrupts, obstructs, or alters the delivery or administration of prescription drugs ordered or prescribed for a patient without a prescription or order commits interference with medical services, a Class A misdemeanor. Makes the offense a Class D felony if the conduct results in bodily injury to the patient. Makes the offense: (1) a Class C felony if it is committed by a person who is a health care provider or licensed health professional; (2) a Class B felony if it results in serious bodily injury to the patient; and (3) a Class A felony if it results in the death of the patient. Provides for certain defenses.

Effective: July 1, 2001.

Wyss, Craycraft, Long, Meeks C,
Alexa, Zakas, Young R Michael,
Broden

(HOUSE SPONSORS — DVORAK, YOUNG D, GOEGLEIN, GIAQUINTA)

January 8, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

January 18, 2001, amended, reported favorably — Do Pass.

January 22, 2001, read second time, ordered engrossed. Engrossed.

January 23, 2001, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 26, 2001, read first time and referred to Committee on Courts and Criminal Code.

April 5, 2001, amended, reported — Do Pass.

April 9, 2001, read second time, ordered engrossed. Engrossed.

April 11, read third time, recommitted to a Committee of One, amended; passed. Yeas 49, Nays 0.

ES 63—LS 6425/DI 69+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED SENATE BILL No. 63

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-2-8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 8. (a) The following definitions apply throughout this**
4 **section:**

5 (1) "Health care provider" refers to a health care provider (as
6 defined in IC 16-18-2-163(a), IC 16-18-2-163(b), or
7 IC 16-18-2-163(c)) or a qualified medication aide as described
8 in IC 16-28-1-11.

9 (2) "Licensed health professional" has the meaning set forth
10 in IC 25-23-1-27.1.

11 (3) "Practitioner" has the meaning set forth in IC 16-42-19-5.
12 However, the term does not include a veterinarian.

13 (4) "Prescription drug" has the meaning set forth in
14 IC 35-48-1-25.

15 (b) A person who knowingly or intentionally physically
16 interrupts, obstructs, or alters the delivery or administration of a
17 prescription drug:

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1 (1) prescribed or ordered by a practitioner for a person who
2 is a patient of the practitioner; and
3 (2) without the prescription or order of a practitioner;
4 commits interference with medical services, a Class A
5 misdemeanor. However, the offense is a Class D felony if the
6 offense results in bodily injury to the patient.

7 (c) However, an offense described in subsection (b) is:

8 (1) a Class C felony if it is committed by a person who is a
9 licensed health care provider or licensed health professional;

10 (2) a Class B felony if it results in serious bodily injury to the
11 patient; and

12 (3) a Class A felony if it results in the death of the patient.

13 (d) A person is justified in engaging in conduct otherwise
14 prohibited under this section if the conduct was performed by:

15 (1) a health care provider or licensed health professional who
16 acted in good faith within the scope of the person's practice or
17 employment; or

18 (2) a person who was rendering emergency care at the scene
19 of an emergency or accident in a good faith attempt to avoid
20 or minimize serious bodily injury to the patient.

21 SECTION 2. [EFFECTIVE JULY 1, 2001] IC 35-42-2-8, as added
22 by this act, applies only to crimes committed after June 30, 2001.

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SENATE MOTION

Mr. President: I move that Senators Craycraft, Long, Meeks C, Alexa and Zakas be added as coauthors of Senate Bill 63.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 63, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "Except as provided in subsection (b), if:" and insert **"The following definitions apply throughout this section:**

(1) "Health care provider" refers to a health care provider (as defined in IC 16-18-2-163(a), IC 16-18-2-163(b), or IC 16-18-2-163(c)).

(2) "Licensed health professional" has the meaning set forth in 25-23-1-27.1.

(3) "Practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include a veterinarian.

(4) "Prescription drug" has the meaning set forth in IC 35-48-1-25.

(b) A person who:

(1) knowingly or intentionally physically interrupts, obstructs, or alters the delivery or administration of a prescription drug;

(A) prescribed or ordered by a practitioner for person who is a patient of the practitioner; and

(B) without the prescription or order of a practitioner; and

(2) causes bodily harm to the patient as a result of the conduct described in subdivision (1);

commits interference with medical services, a Class D felony."

Page 1, delete lines 4 through 15.

Page 1, line 16, delete "(b)" and insert **"(c)"**.

Page 1, line 16, delete "(a)" and insert **"(b)"**.

Page 2, line 1, delete "medical service provider;" and insert **"health care provider or licensed health professional;"**.

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"(d) A person is justified in engaging in conduct otherwise prohibited under this section if the conduct was performed by:

(1) a health care provider or licensed health professional who acted in good faith within the scope of the person's practice or employment; or

(2) a person who was rendering emergency care at the scene of an emergency or accident in a good faith attempt to avoid

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or minimize serious bodily injury to the patient."

and when so amended that said bill do pass.

(Reference is to SB 63 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Young R Michael be added as coauthor of Senate Bill 63.

WYSS

SENATE MOTION

Mr. President: I move that Senator Broden be added as coauthor of Senate Bill 63.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 63, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, after "in" insert "IC".

Page 1, line 14, delete ":".

Page 1, line 15, delete "(1)".

Page 1, run in lines 14 through 15.

Page 2, line 1, delete "(A)", begin a new line block indented and insert:

"(1)".

Page 2, line 1, after "for" insert "a".

Page 2, line 3, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 2, line 3, delete "and" and begin a new line blocked left and insert "**commits interference with medical services, a Class A misdemeanor. However, the offense is a Class D felony if the offense results in bodily injury to the patient.**".

Page 2, delete lines 4 through 6.

and when so amended that said bill do pass.

(Reference is to SB 63 as printed January 19, 2001.)

DVORAK, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 63 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 1, line 7, delete "." and insert "**or a qualified medication aide as described in IC 16-28-1-11.**".

(Reference is to ESB 63 as printed April 6, 2001.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 63, begs leave to report that said bill has been amended as directed.

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